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jc952 U.S. PTO

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Attorney Docket P2548P1C5
PATENT

CERTIFICATION UNDER 37 CFR 1.10

EL 809 448 835 US: Express Mail Number August 30, 2001: Date of Deposit

I hereby certify that this Non-provisional Application Transmittal and the documents referred to as enclosed therein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner of Patents, Washington, D.C. 20231.

Teri Renshaw
Teri Renshaw

11017 U.S. PTO
09/944432
08/30/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BOX PATENT APPLICATION
Assistant Commissioner of Patents
Washington, D.C. 20231

NON-PROVISIONAL APPLICATION TRANSMITTAL UNDER 37 CFR 1.53(b)

Transmitted herewith for filing is a non-provisional patent application:

Inventor(s) (or Application "Identifier"):

Baker, Kevin P., Darnestown, MD
Botstein, David, Belmont, CA
Eaton, Dan L., San Rafael, CA
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Gurney, Austin L., Belmont, CA
Hillan, Kenneth J., San Francisco, CA
Kljavin, Ivar J., Lafayette, CA
Napier, Mary A., Hillsborough, CA
Roy, Margaret Ann, San Francisco, CA
Tumas, Daniel, Orinda, CA
Wood, William I., Hillsborough, CA

Title: *SECRETED AND TRANSMEMBRANE POLYPEPTIDES AND NUCLEIC ACIDS
ENCODING THE SAME*

1. Type of Application

- ☐ This application is for an original, non-provisional application.
- ☐ This is a non-provisional application claiming priority to provisional application no. __, filed __, the entire disclosure of which is hereby incorporated by reference.
- ☒ This is a ☐ continuation-in-part ☒ continuation ☐ divisional application of U.S. Serial Number 09/866,028 filed May 25, 2001 and claims priority to U.S. Provisional Patent

Application Serial Numbers: 60/067,411 filed December 3, 1997; 60/069,334 filed December 11, 1997; 60/069,335 filed December 11, 1997; 60/069,278 filed December 11, 1997; 60/069,425 filed December 12, 1997; 60/069,696 filed December 16, 1997; 60/069,694 filed December 16, 1997; 60/069,702 filed December 16, 1997; 60/069,870 filed December 17, 1997; 60/069,873 filed December 17, 1997; 60/068,017 filed December 18, 1997; 60/070,440 filed January 5, 1998; 60/074,086 filed February 9, 1998; 60/074,092 filed February 9, 1998; 60/075,945 filed February 25, 1998; 60/112,850 filed December 16, 1998; 60/113,296 filed December 22, 1998; 60/146,222 filed July 28, 1999; and U.S. and PCT Patent Application Serial Numbers: PCT/US98/19330 filed September 16, 1998; PCT/US98/25108 filed December 1, 1998; 09/216,021 filed December 16, 1998; 09/218,517 filed December 22, 1998; 09/254,311 filed March 3, 1999; PCT/US99/12252 filed June 22, 1999; PCT/US99/21090 filed September 15, 1999; PCT/US99/28409 filed November 30, 1999; PCT/US99/28313 filed November 30, 1999; PCT/US99/28301 filed December 1, 1999; PCT/US99/30095 filed December 16, 1999; PCT/US00/03565 filed February 11, 2000; PCT/US00/04414 filed February 22, 2000; PCT/US00/05841 filed March 2, 2000; PCT/US00/08439 filed March 30, 2000; PCT/US00/14042 filed May 22, 2000; PCT/US00/20710 filed July 28, 2000; PCT/US00/32678 filed December 1, 2000; PCT/US01/06520 filed February 28, 2001; the entire disclosure of which is hereby incorporated by reference.

2. **Papers Enclosed Which Are Required For Filing Date Under 37 CFR 1.53(b) (Non-provisional)**

148 pages of specification
3 pages of claims
1 page(s) of abstract
34 sheet(s) of drawings
☒ formal ☐ informal

3. **Declaration or Oath**

(for new and CIP applications; also for Cont./Div. where inventor(s) are being added)
 ___ An executed declaration of the inventor(s) ☐ is enclosed ☐ will follow.

(for Cont./Div. where inventorship is the same or inventor(s) being deleted)
X A copy of the executed declaration/oath filed in the prior application is enclosed (37 CFR 1.63(d)).

(for Cont./Div. where inventor(s) being deleted)
 ___ A signed statement is attached deleting inventor(s) named in the prior application (see 37 CFR 1.63(d)(2) and 1.33(b)).

4. **Assignment**

(for new and CIP applications)
 ___ An Assignment of the invention to GENENTECH, INC. ☐ is enclosed with attached Recordation Form Cover Sheet ☐ will follow.

(for cont./div.)
X The prior application is assigned of record to Genentech, Inc.

5. **Amendments (for continuation and divisional applications)**

- ☐ Cancel in this application original claims __ of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
- ☒ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

Relate Back -- 35 U.S.C. 120 or 35 U.S.C. 119

- ☒ Amend the specification by inserting before the first line the sentence:

--This is a

- ☐ non-provisional application
- ☒ continuation
- ☐ divisional
- ☐ continuation-in-part

of applications

- ☒ U.S. Serial Number 09/866,028 filed May 25, 2001 and claims priority to U.S. Serial Numbers: 09/216,021 filed December 16, 1998; 09/218,517 filed December 22, 1998; 09/254,311 filed March 3, 1999, which applications are incorporated herein by reference and to which applications priority is claimed under 35 USC §120; and
- ☒ International Application serial numbers PCT/US98/19330 filed September 16, 1998; PCT/US98/25108 filed December 1, 1998; PCT/US99/12252 filed June 22, 1999; PCT/US99/21090 filed September 15, 1999; PCT/US99/28409 filed November 30, 1999; PCT/US99/28313 filed November 30, 1999; PCT/US99/28301 filed December 1, 1999; PCT/US99/30095 filed December 16, 1999; PCT/US00/03565 filed February 11, 2000; PCT/US00/04414 filed February 22, 2000; PCT/US00/05841 filed March 2, 2000; PCT/US00/08439 filed March 30, 2000; PCT/US00/14042 filed May 22, 2000; PCT/US00/20710 filed July 28, 2000; PCT/US00/32678 filed December 1, 2000; PCT/US01/06520 filed February 28, 2001, which designated the U.S., which applications are incorporated herein by reference and to which applications priority is claimed under 35 USC §120; and
- ☒ provisional application numbers 60/067,411 filed December 3, 1997; 60/069,334 filed December 11, 1997; 60/069,335 filed December 11, 1997; 60/069,278 filed December 11, 1997; 60/069,425 filed December 12, 1997; 60/069,696 filed December 16, 1997; 60/069,694 filed December 16, 1997; 60/069,702 filed December 16, 1997; 60/069,870 filed December 17, 1997; 60/069,873 filed December 17, 1997; 60/068,017 filed December 18, 1997; 60/070,440 filed January 5, 1998; 60/074,086 filed February 9, 1998; 60/074,092 filed February 9, 1998; 60/075,945 filed February 25, 1998; 60/112,850 filed December 16, 1998; 60/113,296 filed December 22, 1998; 60/146,222 filed July 28, 1999, the entire disclosure of which is hereby incorporated by reference and to which applications priority is claimed under 35 USC §119.--.

6. Fee Calculation (37 CFR 1.16)

The fee has been calculated as follows:

| CLAIMS FOR FEE CALCULATION | | | | | |
|-------------------------------------|---|--------------|---|------------|-----------------------------|
| Number Filed | | Number Extra | | Rate | Basic Fee 37 CFR 1.16(a) |
| | | | | | \$710.00 |
| Total Claims | 6 | - 20 = | 0 | X \$18.00 | \$0.00 |
| Independent Claims | 1 | - 3 = | 0 | X \$80.00 | \$0.00 |
| Multiple dependent claim(s), if any | | | | + \$270.00 | \$0.00 |
| Filing Fee Calculation | | | | | \$710.00 |

7. Method of Payment of Fees

The Commissioner is hereby authorized to charge Deposit Account No. 07-0630 in the amount of \$710.00. **A duplicate copy of this transmittal is enclosed.**

8. Authorization to Charge Additional Fees

The Commissioner is hereby authorized to charge any additional fees required under 37 CFR §1.16 and 1.17, or credit overpayment to Deposit Account No. 07-0630. **A duplicate copy of this sheet is enclosed.**

9. Additional Papers Enclosed

- ☐ Information Disclosure Statement (37 CFR §1.98) w/ PTO-1449 and citations
- ☒ Request to Use Computer Readable Form of Sequence Listing from Parent Application Pursuant to 37 CFR § 1.821(e) and paper copy of Sequence Listing.
- ☐ A new Power of Attorney or authorization of agent.
- ☒ Other: Associate Power of Attorney (37 CFR 1.34) and change of correspondence address; and Post card.

10. Maintenance of Copendency of Prior Application (for continuation and divisional applications)

[This item must be completed and the necessary papers filed in the prior application if the period set in the prior application has run]

- _____ A petition, fee and/or response has been filed to extend the term in the pending prior application until
- _____ A copy of the petition for extension of time in the **prior** application is attached.

X

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Respectfully submitted,
GENENTECH, INC.

By:

Chas. M. Barnes

Elizabeth M. Barnes, Ph.D.

Reg. No. 35,059

Telephone No. (650) 225-4563



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PATENT TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | |
|--|---|
| <p>In re Application of:</p> <p>Baker et al.</p> <p>Serial No.: Not yet assigned</p> <p>Filed: Herewith</p> <p>For: <i>Secreted and Transmembrane Polypeptides and Nucleic Acids Encoding the Same</i></p> | <p>Group Art Unit: Not yet assigned</p> <p>Examiner: Not yet assigned</p> |
|--|---|

**REQUEST TO USE COMPUTER READABLE FORM OF SEQUENCE LISTING
FROM PARENT APPLICATION PURSUANT TO 37 C.F.R. § 1.821 (e)**

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

The patent application filed herewith is a continuing application of currently pending application Serial No. 09/866,028, filed on May 25, 2001. The Sequence Listings in (a) the herewith filed patent application and (2) currently pending patent application Serial No.09/866,028, filed on May 25, 2001, are identical. Therefore, pursuant to 37 C.F.R. § 1.821(e), Applicants respectfully request that the compliant computer readable form of the Sequence Listing filed on May 25, 2001 in parent application Serial No. 09/866,028 be used as the computer readable form for the herewith filed patent application. The paper copy of the Sequence Listing submitted herewith

Serial No.: Not yet assigned

Filed: Herewith

is identical to that on the compliant computer readable form of the Sequence Listing filed on May 25, 2001 in parent application Serial No. 09/866,028.

Respectfully submitted,

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